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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PAUL REIFFER,

Plaintiff,

V.

ARKADIA GROUP INTERNATIONAL,

Defendant.

Civil Action No.: 18-cv-5469

COMPLAINT AND JURY DEMAND

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff, PAUL REIFFER (“Reiffer” or “Plaintiff”), brings this complaint in the United States District Court for the Southern District of New York against ARKADIA GROUP INTERNATIONAL (“Arkadia” or “Defendant”), alleging as follows:

PARTIES

1. Plaintiff is an experienced commercial landscape and streetscape photographer and writer. Plaintiff contributes regularly to 1x.com, the world’s leading fine art photography online magazine. Plaintiff’s photographs have been sold to clients throughout the world. The Daily Telegraph published a profile of Plaintiff’s work. Plaintiff works with numerous high-profile clients, including but not limited to: British Airways, Yahoo, Ford, CNN, National Geographic, W Hotels, AON, Royal Caribbean, and Hyatt. Plaintiff resides in London, England.
2. On information and belief, Defendant is a Corporation existing under the laws of the Italian Republic, with headquarters in Florence, Italy. Defendant operates an audio post-production company in the home entertainment and communication industry.¹ Defendant offers a wide array of technical and artistic services to both content producers and distributors, specializing in multi-lingual dubbing, localization, voiceover, sound design and central mix for animation and live action cinema, TV, home video and new media, documentaries, TV ads and jingles.² Defendant operates a production studio in New York, New York. Defendant owns, operates, and is responsible for the content on the website, www.agi.tv.

¹ https://it-it.facebook.com/pg/Arkadia-Group-International-120211508824/about/?ref=page_internal

² Id.

JURISDICTION AND VENUE

3. This is a civil action seeking damages for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 et seq.).
4. This Court has jurisdiction under 17 U.S.C. § 101 et seq.; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).
5. Defendant is subject to personal jurisdiction in New York.
6. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.
7. This Court also has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1400(a).

FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

8. Plaintiff captured the photograph, “Hollywood Sign Skyline - Reverse Landscape View” (“Copyrighted Photograph”) on May 7, 2012 in Los Angeles, California. [Exhibit 1].
9. On or about May 26, 2012 Plaintiff posted Copyrighted Photograph to <https://content.paulreiffer.com/wp-content/uploads/2014/10/backstage-hollywood-sign-la-landscape-cityscape-buy-limited-edition-fine-art-photograph-prints-paul-reiffer.jpg> (Last visited June 10, 2018). [Exhibit 2].
10. Plaintiff registered Copyrighted Photograph with the United States Copyright Office on May 8, 2017 (Registration No.: VA 2-044-618). [Exhibit 3].
11. Beginning on or about June 1, 2014, Defendant copied and posted Copyrighted Photograph to the Defendant’s commercial website, www.agi.tv (Last visited June 10, 2018).

12. Defendant posted Copyrighted Photograph to the following URL:

- www.agi.tv/en/locations-2 (Last visited June 10, 2018). [Exhibit 4].

13. As of the date of this filing, despite numerous demands to remove the infringing post, Defendant has refused to remove the infringing post.

14. As of the date of this filing, the infringing post is online and available to the public.

COUNT I: INFRINGEMENT OF COPYRIGHT PURSUANT TO 17 U.S.C. § 101 ET SEQ.

15. Plaintiff incorporates herein by this reference each and every allegation contained in each paragraph above.

16. Plaintiff is, and at all relevant times has been, the copyright owner or licensee of exclusive rights under United States copyright with respect to Copyrighted Photograph, which is the subject of a valid and complete application before the United States Copyright Office.

17. Among the exclusive rights granted to each Plaintiff under the Copyright Act are the exclusive rights to reproduce and distribute the Copyrighted Photograph to the public.

18. Plaintiff is informed and believes Defendant, without the permission or consent of Plaintiff, copied and used Copyrighted Photograph on Defendant's commercial website, www.agi.tv. In doing so, Defendant violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's copyright and exclusive rights under copyright.

19. Plaintiff is informed and believes that the foregoing act of infringement was willful and intentional, in disregard of and with indifference to the rights of Plaintiff.

20. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to actual damages, including any profits realized by Defendant

attributable to the infringement, pursuant to 17 U.S.C. § 504(b) for Defendant's infringement of Copyrighted Photograph.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. Declaring that Defendant's unauthorized conduct violates Plaintiff's rights under the Federal Copyright Act;
- B. Immediately and permanently enjoining Defendant, its officers, directors, agents, servants, employees, representatives, attorneys, related companies, successors, assigns, and all others in active concert or participation with them from copying and republishing Plaintiff's Copyrighted Photograph without consent or otherwise infringing Plaintiff's copyright or other rights in any manner;
- C. Ordering Defendant to account to Plaintiff for all gains, profits, and advantages derived by Defendant by their infringement of Plaintiff's copyright or such damages as are proper;
- D. Awarding Plaintiff actual damages for Defendant's copyright infringement in an amount to be determined at trial;
- E. Awarding Plaintiff such other and further relief as is just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all claims for which there is a right to jury trial.

Dated: June 18, 2018

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/s/ Michael R. Reese

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EXHIBIT 1



EXHIBIT 2

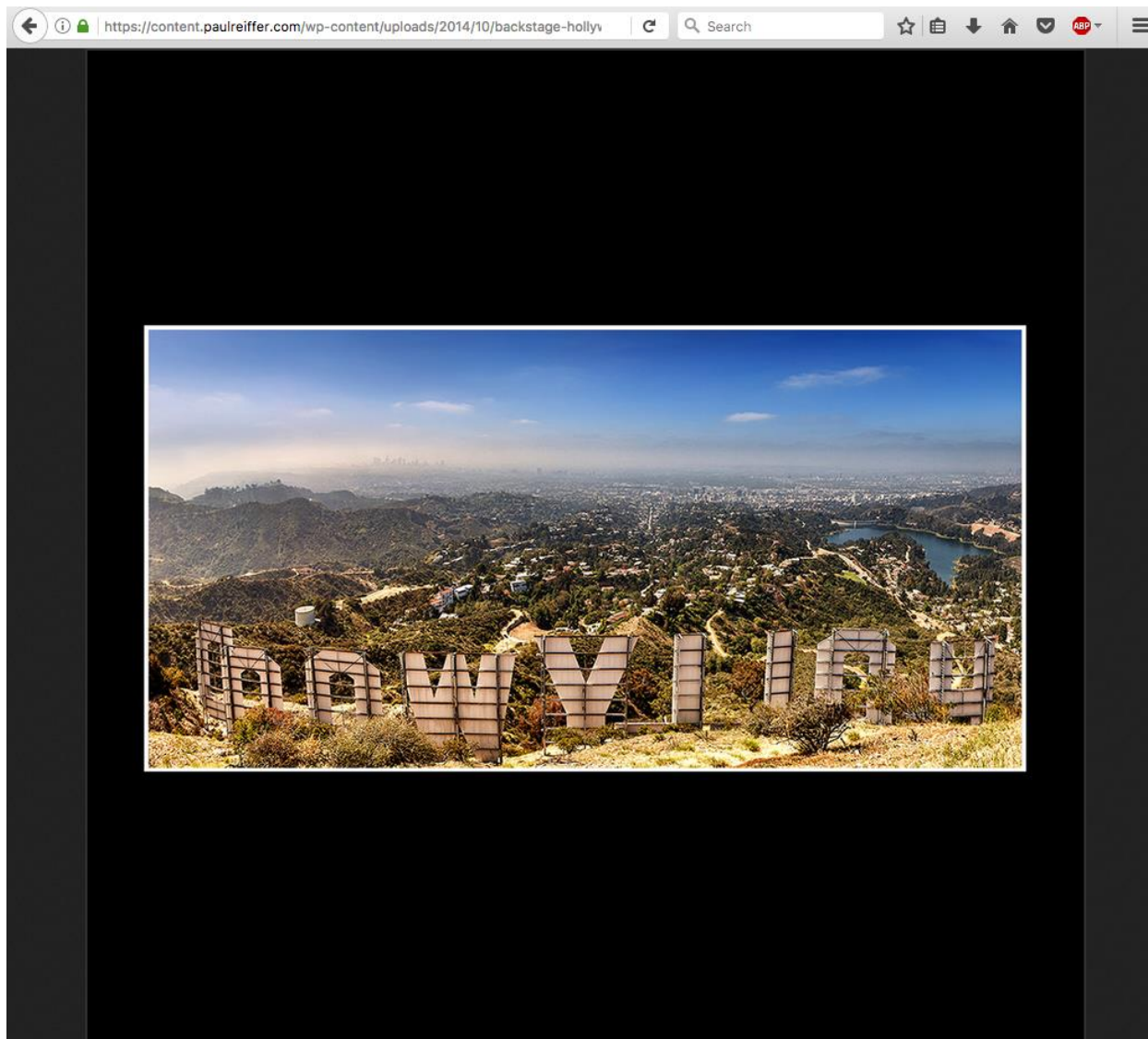


EXHIBIT 3

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

A handwritten signature in black ink, reading "Kaye Leigh Clayett".

Acting United States Register of Copyrights and Director

Registration Number

VA 2-044-618

Effective Date of Registration:

May 08, 2017

Title

Title of Work: Group Registration Photos, Landscape and commercial, Published approx. Feb. 01, 2012; 141 photos.

Content Title: 20120801-REIF_20120801_09495, 20120801-REIF_20120801_09461_pure, 20120726-REIF_20120726_09368-Revised, 20120726-REIF_20120726_09360-Revised, 20120726-REIF_20120726_09357-Revised, 20120726-REIF_20120726_09353-Revised, 20120726-REIF_20120726_09343-Revised, 20120530-REIF_20120530_0353_print, 20120530-MonoLake_11k_Final, 20120529-TimeForCoffee_11k_Final, 20121201-IMG_2481, 20121201-IMG_2400, 20120806-IMG_1941, 20120806-IMG_1813, 20120805-IMG_1725, 20120805-IMG_1683, 20120805-IMG_1635, 20120805-IMG_1387, 20120801-REIF_20120801_09548, 20120801-REIF_20120801_09516_print, 20120726-REIF_20120726_09310_print, 20120726-MonumentValley_11k_Final, 20120531-IMG_0478, 20120529-REIF_20120529_00332, 20120529-REIF_20120529_00284, 20120529-REIF_20120529_00284_print, 20120529-IMG_0284, 20120529-IMG_0274, 20120529-IMG_0274-2, 20120529-IMG_0256, 20120529-IMG_0229, 20120524-REIF_20120525_0166_print, 20120524-NoHorizon_11k_Final, 20120514-REIF_20120513_08467-TOWIE-Twins-Autumn_print, 20120513-REIF_20120513_08590, 20120513-REIF_20120513_08480, 20120513-REIF_20120513_08467-3, 20120513-REIF_20120513_08347, 20120506-REIF_20120506_08307_print, 20120312-REIF_20120312_07868, 20120312-REIF_20120312_07868_print, 20120312-REIF_20120312_07560, 20120312-REIF_20120312_07511, 20120219-REIF_20120219_07326_print_copy, 20120218-REIF_20100213_13340-saturated_print, 20120212-REIF_20120212_07244_print, 20120212-REIF_20120212_07239_print, 20120211-REIF_20120211_07223_print, 20120211-REIF_20120211_07222_print, 20120211-REIF_20120211_07219_print, 20120211-REIF_20120211_07206_print_copy, 20120211-REIF_20120211_07203_print, 20120129-REIF_20120129_07044, 20120129-REIF_20120129_07038, 20120129-REIF_20120129_07032, 20120129-REIF_20120129_07023, 20120129-REIF_20120129_07015, 20120129-REIF_20120129_07010, 20120129-REIF_20120129_06994, 20120129-REIF_20120129_06991 (published approx. February 01, 2012).

20120115-SaveMeSanFrancisco_11k_Final, 20120115-REIF_20120115_06962_print, 20120115-REIF_20120115_06951_print, 20120115-REIF_20120115_06906_print, 20120114-REIF_20120114_06796_print, 20120114-REIF_20120114_06773_print, 20120114-REIF_20120114_06764_print, 20120102-REIF_20120102_06697_print_copy, 20120102-ManOWar_11k_Final, 20111229-REIF_20111229_06682_print, 20111229-REIF_20111229_06682_print_copy, 20111120-REIF_20111120_05976_print-

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20111015-REIF_20111015_04275_print, 20111015-REIF_20111015_04264_print, 20111006-REIF_20111006_25571, 20111006-REIF_20111006_25530, 20111006-REIF_20111006_25448, 20111006-REIF_20111006_25413, 20101206-REIF_20101206_17519_print_option_2, 20101201-REIF_20101201_17229_crop_print, 20101201-REIF_20101201_17219_crop_print, 20100606-REIF_20100606_15043_print, 20100301-REIF_20100301_13444_print, 20100301-REIF_20100301_13444_print-v2-Corrected-At-Roys, 20091019-EmpireState_11k_Final, 20090901-REIF_20090901_8960_print, 20110930-REIF_20110930_24934_print-faded, 20110804-BrycePoint_11k_Final, 20110802-REIF_20110802_04001_print, 20110802-REIF_20110802_03954_print, 20110802-REIF_20110802_03781_print-Revised, 20110802-REIF_20110802_03750_print, 20110802-REIF_20110802_03750_print-Revised, 20110802-REIF_20110802_03743_print-Revised, 20110802-REIF_20110802_03713_print-Revised, 20110802-REIF_20110802_03633_print, 20110729-REIF_20110729_03011_print, 20110527-REIF_20110527_22902_print, 20110428-Standing-tall, 20110108-for-weldmar-REIF_20110108_17788 (published approx. February 01, 2012).

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Completion/Publication

Year of Completion: 2012
 Date of 1st Publication: February 01, 2012
 Nation of 1st Publication: United Kingdom

Author

- Author: Paul Reiffer

Author Created: photograph
Work made for hire: No
Citizen of: United Kingdom
Domiciled in: United Kingdom
Year Born: 1980

Copyright Claimant

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Rights and Permissions

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Certification

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Date: May 08, 2017
Applicant's Tracking Number: USCO-03582

EXHIBIT 4

